

**To:** Kirk Shermer[Kirk@snowdenenterprises.com]  
**Cc:** Janelle Kay[Janelle@PyxisRC.com]; Watanabe, Allison[Watanabe.Allison@epa.gov]  
**From:** Alkon, Margaret  
**Sent:** Tue 3/29/2016 6:56:49 PM  
**Subject:** RE: Snowden Enterprises, Inc.  
[Inspection Report PhotoLog.pdf](#)  
[Inspection Report Narrative.pdf](#)  
[Invoices.pdf](#)

Dear Mr. Shermer and Ms. Kay:

This email is to follow up on our conference call of earlier today, in which we discussed the civil administrative complaint against Snowden Enterprises, Inc. ("Snowden") that EPA is prepared to file pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l alleging that Snowden has violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by distributing and selling a misbranded pesticide, The Fruit Doctor, EPA Reg. No. 11195-1 ("The Fruit Doctor").

As I explained on the call, one of the reasons that we contact you in advance of filing is to explain our process and give you an opportunity to make us aware of any facts or information that you think is relevant to the case. Also, we can discuss the route to resolution of this matter.

I will send an email explaining the penalty calculation. As I mentioned on the call, EPA is alleging six violations of FIFRA and has calculated a \$45,000 penalty. Here is a link to the FIFRA Enforcement Response Policy (ERP) that we use to calculate the penalty. You can find the ERP at:

<https://www.epa.gov/enforcement/guidance-fifra-enforcement-response-policy>

Attached please find the 2013 Inspection Report, consisting of: Inspection narrative, photo log, and invoices. I didn't copy the items you have (notice of inspection and receipt).

The photo log I have to send electronically is a copy and low quality so I will also be sending the pictures separately. Since there is a lot of data, I may need to break it into more than one email.

I will also be sending you a draft consent agreement and final order (CAFO) - the document that we use to simultaneously initiate and conclude an enforcement case. This document sets out the details of EPA's allegations, and also has the language for a settlement agreement, including the certification of compliance that I mentioned during our call.

You also requested the 2010 Inspection Report. Ms. Watanabe has located it, so I will send that to you also.

It will probably not be until the end of the day that I send you all of the documents. I will send a final email listing all emails sent – at that time please confirm receipt. We will talk again on April 12<sup>th</sup> at 10am. As I mentioned on the call, let me know if you have questions.

Sincerely,

Margaret Alkon

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Margaret Alkon

Assistant Regional Counsel

U.S. EPA, Region IX

75 Hawthorne St. (ORC-2)

San Francisco, CA 94105

Email: [alkon.margaret@epa.gov](mailto:alkon.margaret@epa.gov)

Direct Dial: (415) 972-3890

Fax: (415) 947-3570

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**From:** Kirk Shermer [mailto:Kirk@snowdenenterprises.com]  
**Sent:** Thursday, March 24, 2016 12:29 PM  
**To:** Alkon, Margaret  
**Cc:** Janelle Kay  
**Subject:** RE: Snowden Enterprises, Inc.

Dear Ms. Alkon,

Our regulatory consultant, Janelle Kay, will be setting up the conference line for the call on March 29<sup>th</sup> at 10:00 a.m. She will be emailing instructions for the call to all of us.

Sincerely,

Kirk Shermer

Snowden Enterprises, Inc.

Phone  
Cell  
Fax  
Email

(559) 237-5546

**Ex. 6 - Personal Privacy**

(559) 237-6383

[kirk@snowdenenterprises.com](mailto:kirk@snowdenenterprises.com)

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**From:** Alkon, Margaret [<mailto:Alkon.Margaret@epa.gov>]  
**Sent:** Thursday, March 24, 2016 12:09 PM  
**To:** Kirk Shermer <[Kirk@snowdenenterprises.com](mailto:Kirk@snowdenenterprises.com)>  
**Cc:** Janelle Kay <[Janelle@PyxisRC.com](mailto:Janelle@PyxisRC.com)>; Watanabe, Allison <[Watanabe.Allison@epa.gov](mailto:Watanabe.Allison@epa.gov)>  
**Subject:** RE: Snowden Enterprises, Inc.

Dear Mr. Shermer,

Thank you for your email. Yes, I would appreciate it if you could set up a conference call line.

I look forward to speaking with you all.

Sincerely,

Margaret Alkon

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Margaret Alkon

Assistant Regional Counsel

U.S. EPA, Region IX

75 Hawthorne St. (ORC-2)

San Francisco, CA 94105

Email: [alkon.margaret@epa.gov](mailto:alkon.margaret@epa.gov)

Direct Dial: (415) 972-3890

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**From:** Kirk Shermer [<mailto:Kirk@snowdenenterprises.com>]  
**Sent:** Thursday, March 24, 2016 12:05 PM  
**To:** Alkon, Margaret  
**Cc:** Janelle Kay  
**Subject:** RE: Snowden Enterprises, Inc.

Dear Ms. Alkon,

Thank you for your email from March 23, 2016 proposing a conference call to discuss the matter and Snowden's response. I would like to have Snowden's regulatory consultant, Janelle Kay, participate on the call. She has reviewed the EPA letter, our response, reviewed our labels, and also works closely with EPA and CDPR with our label approvals. We are both available at the proposed time on Tuesday, March 29. If you agree and would like, we would be happy to set up a conference line for everyone to call into for the call. We look forward to speaking with you then.

Regards,

Kirk Shermer

Snowden Enterprises, Inc.

Phone  
Cell  
Fax  
Email

(559) 237-5546

Ex. 6 - Personal Privacy

(559) 237-6383

[kirk@snowdenenterprises.com](mailto:kirk@snowdenenterprises.com)

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**From:** Alkon, Margaret [<mailto:Alkon.Margaret@epa.gov>]  
**Sent:** Wednesday, March 23, 2016 6:22 PM  
**To:** Kirk Shermer <[Kirk@snowdenenterprises.com](mailto:Kirk@snowdenenterprises.com)>  
**Cc:** Watanabe, Allison <[Watanabe.Allison@epa.gov](mailto:Watanabe.Allison@epa.gov)>  
**Subject:** FW: Snowden Enterprises, Inc.

Dear Mr. Shermer,

EPA received your letter of March 8, 2016 responding to our March 1, 2016 letter. Thank you for the proposal to have either an in-person meeting or conference call. Because I work out of our San Francisco office while Ms. Watanabe works out of our of our LA office, we would like to schedule a conference call to discuss this matter.

Proposed Agenda:

Introductions

EPA explanation of timeline & EPA enforcement case

Information you would like EPA to consider

Next Steps

Would you be available for a call at 10am Pacific time on Tuesday March 29<sup>th</sup>? If that time does not work for you, please propose an alternative time.

Sincerely,

Margaret Alkon

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Margaret Alkon

Assistant Regional Counsel

U.S. EPA, Region IX

75 Hawthorne St. (ORC-2)

San Francisco, CA 94105

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~~~~~

**From:** Watanabe, Allison

**Sent:** Wednesday, March 23, 2016 9:27 AM

**To:** 'Coleen Lira' <[Coleen@snowdenenterprises.com](mailto:Coleen@snowdenenterprises.com)>; Rodriguez, Roberto  
<[Rodriguez.Roberto@epa.gov](mailto:Rodriguez.Roberto@epa.gov)>

**Cc:** Kirk Shermer <[Kirk@snowdenenterprises.com](mailto:Kirk@snowdenenterprises.com)>

**Subject:** RE: Snowden Enterprises, Inc.

Ms. Lira,

We received your package and are currently reviewing it.

Thank you.

Allison Watanabe

US Environmental Protection Agency

Region 9 FIFRA Enforcement

213-244-1807

**From:** Coleen Lira [<mailto:Coleen@snowdenenterprises.com>]  
**Sent:** Wednesday, March 23, 2016 8:59 AM  
**To:** Rodriguez, Roberto <[Rodriguez.Roberto@epa.gov](mailto:Rodriguez.Roberto@epa.gov)>; Watanabe, Allison  
<[Watanabe.Allison@epa.gov](mailto:Watanabe.Allison@epa.gov)>  
**Cc:** Kirk Shermer <[Kirk@snowdenenterprises.com](mailto:Kirk@snowdenenterprises.com)>  
**Subject:** Snowden Enterprises, Inc.

Good morning Roberto & Allison,

My name is Coleen and I work with Kirk Shermer at Snowden Enterprises, Inc. We sent a response to the EPA Violation letter (dated March 1, 2016) on March 9, 2016 via Certified Mail. We have not received the certified receipt of delivery as of today. We have traced the package and the records show it was delivered on March 14, 2016.

Since, we have no hard copy of the delivery receipt, we wanted to ensure that the package has reached your desks.

Please advise.

Regards,

Coleen Lira

Snowden Enterprises, Inc.

Phone	(559) 237-5546
Fax	(559) 237-6383
Email	<a href="mailto:coleen@snowdenenterprises.com">coleen@snowdenenterprises.com</a>



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